

Avago Technologies Docket No. 10004263-1

REMARKS

This is a full and timely response to the non-final Office Action mailed by the U.S. Patent and Trademark Office on January 25, 2006. Claims 1-39 remain pending in the present application. In view of the following remarks, reconsideration and allowance of the application and all pending claims are respectfully requested.

Each rejection presented in the Office Action is discussed in the remarks that follow.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 7, 11-13, 19-21, 26-29, 31 and 32 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,920,261 to *Inada et al.* (hereafter *Inada*). A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

Applicants submit herewith a declaration of Rene P. Helbing, pursuant to 37 C.F.R. §1.131, evidencing a conception date prior to December 12, 2001, which is the filing date of *Inada*. Accordingly, Applicants respectfully submit that *Inada* is not available as a reference and respectfully request its withdrawal.

Accordingly, Applicants respectfully submit that claims 1, 2, 7, 11-13, 19-21, 26-29, 31 and 32 are allowable.

Rejections Under 35 U.S.C. § 103**Claims 3-6, 8, 14-16, 22 and 23**

Claims 3-6, 8, 14-16, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Inada* in view of U.S. Patent No. 6,567,587 to *Kashihara et al.* (hereafter *Kashihara*). For a claim to be properly rejected under 35 U.S.C. § 103, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re*

Avago Technologies Docket No. 10004263-1

Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (Citations omitted). Further, “[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed Cir. 1992).

As stated above, Applicants submit herewith a declaration of Rene P. Helbing, pursuant to 37 C.F.R. §1.131, evidencing a conception date prior to December 12, 2001, which is the filing date of *Inada*. Accordingly, Applicants respectfully submit that *Inada* is not available as a reference and respectfully request its withdrawal. Because *Inada* is not available as a reference, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Accordingly, Applicants respectfully submit that claims 3-6, 8, 14-16, 22 and 23 are allowable.

Claims 9, 17, 24, 30 and 33-36

Claims 9, 17, 24, 30 and 33-36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Inada* in view of U.S. Patent No. 6,628,864 to Richardson et al. (hereafter *Richardson*).

As stated above, Applicants submit herewith a declaration of Rene P. Helbing, pursuant to 37 C.F.R. §1.131, evidencing a conception date prior to December 12, 2001, which is the filing date of *Inada*. Accordingly, Applicants respectfully submit that *Inada* is not available as a reference and respectfully request its withdrawal. Because *Inada* is not available as a reference, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Accordingly, Applicants respectfully submit that claims 9, 17, 24, 30 and 33-36 are allowable.

Claims 37-39

Claims 37-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Inada* in view of *Richardson* and further in view of *Kashihara*.

Avago Technologies Docket No. 10004263-1

As stated above, Applicants submit herewith a declaration of Rene P. Helbing, pursuant to 37 C.F.R. §1.131, evidencing a conception date prior to December 12, 2001, which is the filing date of *Inada*. Accordingly, Applicants respectfully submit that *Inada* is not available as a reference and respectfully request its withdrawal. Because *Inada* is not available as a reference, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Accordingly, Applicants respectfully submit that claims 37-39 are allowable.

Claims 10, 18 and 25

Claims 10, 18 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Inada* in view of U.S. Patent No. 6,570,691 to Miyauchi *et al.* (hereafter *Miyauchi*).

As stated above, Applicants submit herewith a declaration of Rene P. Helbing, pursuant to 37 C.F.R. §1.131, evidencing a conception date prior to December 12, 2001, which is the filing date of *Inada*. Accordingly, Applicants respectfully submit that *Inada* is not available as a reference and respectfully request its withdrawal. Because *Inada* is not available as a reference, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Accordingly, Applicants respectfully submit that claims 10, 18 and 25 are allowable.

Avago Technologies Docket No. 10004263-1

CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that all outstanding rejections be withdrawn and that all pending claims of this application be allowed to issue. If the Examiner has any comments regarding Applicants' response or intends to dispose of this matter in a manner other than a notice of allowance, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

**SMITH FROHWEIN TEMPEL
GREENLEE BLAHA LLC**

By:



Michael J. Tempel
Registration No. 41,344
(770) 709-0056